

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

EMPLOYEE PAINTERS' TRUST;
NORTHERN NEVADA PAINTERS AND
ALLIED TRADES JOINT APPRENTICESHIP
AND TRAINING TRUST FUND, et al.,

Plaintiffs,

vs.

SIMAS FLOOR COMPANY, INC., et al.,

Defendants.

Case No. 2:12-cv-00848-KJD-VCF

**JUDGMENT DISMISSING AND
DISCHARGING THE PELLETT
DEFENDANTS WITH PREJUDICE**

THIS ACTION came to be considered before the Court. The issues have been considered and a decision has been rendered. This Judgment Dismissing and Discharging the Pellett Defendants with Prejudice (this "Judgment") is also being entered pursuant to Federal Rules of Civil Procedure 22, 41(a), and 67 and the Stipulation and Order to Deposit Disputed Funds into Court (the "Stipulation") by and among: (1) Plaintiffs fiduciaries of the Employee Painters' Trust, the Northern Nevada Painters and Allied Trades Joint Apprenticeship and Training Trust Fund, and the International Union of Painters and Allied Trades Industry Pension Trust Fund (collectively, "Plaintiffs"); (2) Defendants James Edward Simas dba J.E. Simas Floors, and Carmichael Floor Company (collectively, the "Simas Defendants"); and (3) Defendants Pellett Construction, LLC ("Pellett Construction") and Thomas Pellett and Sabrina Pellett (collectively, the "Pellett Defendants").

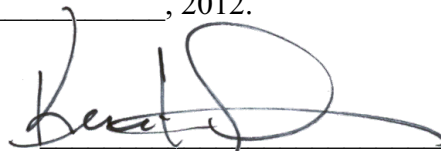
IT IS HEREBY EXPRESSLY DETERMINED that the interpleader stakeholder in this matter, Defendant Pellett Construction, has, pursuant to the Stipulation: (a) deposited \$2,488.42

(the "Disputed Funds") into the registry of the Court; (b) retained \$5,554.00 to compensate the Pellett Defendants for their attorney's fees and costs in this action; and (c) paid \$1,921.46, to J.E. Simas Floors, and the Pellett Defendants have satisfied all other conditions for obtaining this Judgment;

IT IS HEREBY FURTHER EXPRESSLY DETERMINED, pursuant to Federal Rule of Civil Procedure 54(b), that there is no just reason for delay in entering this Judgment, and, therefore;

IT IS HEREBY ORDERED, ADJUDGED AND DIRECTED, pursuant to Federal Rule of Civil Procedure 54(b), that Judgment is hereby entered dismissing with prejudice all claims in this action against the Pellett Defendants; and the Pellett Defendants and each and all of their officers, directors, agents, servants, employees, representatives, attorneys, successors and assigns, bonding companies, insurers, and persons and entities for whom Pellett Construction has performed work from May 1, 2011 through the date of the Stipulation are hereby released and discharged from any and all liability to, or on account of any monies owed to, Plaintiffs, the Simas Defendants, and each all of their respective fiduciaries, trustees, administrators, third party administrators, officers, directors, agents, servants, employees, representatives, attorneys, successors and assigns, with respect to any and all work performed by any of the Simas Defendants and / or allegedly related persons or entities as a subcontractor for Pellett Construction from May 1, 2011 through the date of the Stipulation.

DATED: August 15, 2012.



UNITED STATES DISTRICT COURT JUDGE